

In Re Application of: Int LOY et al.

Application No.: 09/887,549

Filed: June 25, 2001

For: IMPLEMENTING DATA MANAGEMENT APPLICATION...

Conf. No. 5844

Art Unit: 2161

Examiner: E. LEROUX

Washington, D.C.

Atty.'s Docket: LOY=4

Date: February 17, 2005

THE COMMISSIONER OF PATENTS
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Duany Street
Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] Amendment []
in the above-identified application.

[] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[] The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	
\$	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
[] First - \$ 60.00
[] Second - \$ 225.00
[] Third - \$ 510.00
[] Fourth - \$ 795.00
Month After Time Period Set

Other Than Small Entity
Response Filed Within
[] First - \$ 120.00
[] Second - \$ 450.00
[] Third - \$ 1020.00
[] Fourth - \$ 1590.00
Month After Time Period Set

[] Less fees (\$) already paid for month(s) extension of time on .

[] Please charge my Deposit Account No. 02-4035 in the amount of \$.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.


[] A check in the amount of \$ is attached (check no.).

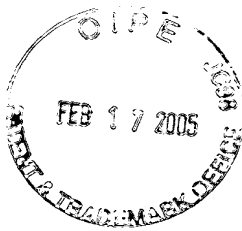
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

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By: 
Jay M. Finkelstein
Registration No. 21,082



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: LOY=4

In re Application of:)	Art Unit: 2161
)	
Irit LOY et al.)	Examiner: E. LEROUX
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Appln. No.: 09/887,549)	Washington, D.C.
)	
Filed: June 25, 2001)	Confirmation No. 5844
)	
For: IMPLEMENTING DATA)	February 17, 2005
MANAGEMENT APPLICATION...)	

RESPONSE

Honorable Commissioner for Patents
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

The Examiner's action dated November 18, 2004, has been received, and its contents carefully noted, as has the Advisory Action dated November 30, 2004.

The latter Action refers to a reply filed on August 23, 2004. That reply was, as noted in the Advisory Action, a Notice of Appeal.

However, subsequent to the filing of the Notice of Appeal, the Examiner issued a further non-final Action on November 18, 2004. In that Action, the finality of the rejection presented in the previous Office Action was withdrawn.

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Reply to Office Action of November 18, 2004

Thus, contrary to the indication presented in the Advisory Action of November 30, 2004, the Application is not presently under final rejection.

This is a response to the Examiner's non-final Action of November 18, 2004.

That Action presented only a provisional double patenting rejection of the claims in the present Application as claiming the same invention as that of claim 8 of copending Application No. 09/887,520.

In the explanation of the rejection, the Examiner indicated that this rejection could be overcome by canceling the conflicting claims. Accordingly, in copending Application No. 09/887,520, claim 8 was canceled by an Amendment filed December 28, 2004.

Therefore, the basis for the double patenting rejection has been eliminated and it is therefore requested that the rejection be withdrawn, that claims 1, 3 and 5-13 be allowed and that a formal Notice of Allowance be issued.

Notification of IDS

Applicant wishes to draw the Examiner's attention to the fact that an Information Disclosure Statement was filed on February 16, 2005, and it is asked that the prior art cited in that statement be considered in conjunction with the

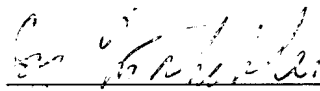
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consideration of the present Response and that an initialed copy of the list of references cited be supplied to Applicant.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

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